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Dated: October 20, 2005      Signature: 

(Raymond B. Churchill, Jr.)

Docket No.: SONY 3.0-014  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Gregory D. Gudorf

Application No.: 09/785,094

Confirmation No.: 5522

Filed: February 16, 2001

Art Unit: 2157

For METHOD AND SYSTEM FOR REMOTE  
: ACCESS OF PERSONAL MUSIC

Examiner: H. A. El Chanti

DECLARATION OF JOSEPH S. LITTBENBERG UNDER 37 C.F.R.S 1.31

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. I am an attorney admitted to practice in the U.S. Patent and Trademark Office under Reg. No 20832, and a member of the bar of the State of New Jersey and New York. I am a partner in the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP, which serves as outside patent counsel for Sony Electronics Inc. ("SEL"). I am a principal contact between SEL and my firm. SEL is the assignee of currently pending U.S. Patent Application No. 09/785,094 ("the '094 application") filed on February 16, 2001. The '094 application claims the benefit of U.S. Provisional Patent Application no. 60/203,684 ("the '684 application"), which was filed on May 12, 2000. Both applications are entitled "Method and System for Remote Access of Personal Music."

2. I was in direct contact with sole inventor, Gregory D. Gudorf, and in-house patent counsel of SEL, Christopher M. Tobin, Esq., as part of the process of the preparation of the initial provisional patent application. During this time, Mr. Tobin commissioned our firm to prepare a patent application relating to systems for storing a user's personal music files on a server and secure delivery of them to the user at any location with an internet-enabled device as claimed in claims 1, 31, 42, and 51. The document attached as Exhibit A to this declaration was part of the description of the invention provided to me by Mr. Tobin of SEL for purposes of preparing the application and was incorporated into the '684 application.

3. My firm was contacted by Mr. Tobin by correspondence dated March 14, 2000, which was received by my firm on March 16, 2000, for the purpose of preparing a patent application on Mr. Gudorf's invention. I confirmed our retention for that purpose by correspondence with Mr. Tobin of SEL dated March 16, 2000.

4. In the time frame of our original retention to filing of the application, my firm was engaged in an active patent practice for many clients such that there was typically a backlog of work. However, to ensure that work was performed on a diligent basis my firm utilized a docketing system that

permitted work for clients to be performed chronologically.

During the time frame of the preparation of the application for SEL, we employed such a system and docketed Mr. Tobin's request for the preparation of the application accordingly. Based on our backlog of work, we anticipated being able to complete the requested application for filing by June 14, 2000.

5. On April 4, 2000, April 13, 2000 and April 14, 2000, we received supplemental information from Mr. Tobin of SEL in response to our requests concerning Mr. Gudorf's invention. The supplemental information included ten prior art patent references located in a search conducted on behalf of SEL with regard to the invention prior to January 7, 2000.

6. On April 20, 2000, after review of the provided materials, I participated in a conference call with the inventor to further discuss the invention as part of the process for beginning to draft the '684 application.

7. Subsequently, I oversaw the drafting of the present application, which was performed by another attorney of our firm in due course. This included studying the provided prior art, drafting the provisional application materials based on the disclosure by the inventor and the filing of the provisional application after review and approval of the draft provisional application by the inventor. All of these

activities were done on a date beginning approximately seven business days subsequent to the April 20, 2000 conference call with the inventor and continued in the ordinary course until the filing of the present application on May 12, 2000.

8. I have reviewed the bills relating to the preparation of the present application. A detailed analysis of the search art in preparation for drafting the application was conducted on April 30, 2000. Activities associated with drafting the provisional application took place on May 1, 2000, May 2, 2000 and May 3, 2000. The application was forwarded to SEL for review by the inventor on May 4, 2000 and was approved for filing by correspondence from the inventor dated May 9, 2000 and received by this firm on May 11, 2000. The application was then filed May 12, 2000.

9. In view of the above, due diligence was performed by our firm from at least March 16, 2000, the date of our retention for preparing an application on the subject of claims 1, 31, 42 and 51, until the filing of the '684 application on May 12, 2000.

10. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, all statements herein were made with the knowledge that willful false statement and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent which may issue from the present invention.

Date:

10/17/05

  
Joseph S. Littenberg

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